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09/890,893	11/09/2001	Anthony David Smith	Q65785	9198

7590

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EXAMINER

MULLEN, THOMAS J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 07/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/890,893

Applicant(s)

SMITH ET AL.

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing. It is noted that Fig. 8 of the priority document (NZ 334139), and the corresponding description starting on page 59 of that document, appears to roughly correspond to the subject matter of this application.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it contains "legal phraseology" (i.e., "electronic identification means"), and uses the implied phrase "According to one aspect of the present invention there is provided". Correction is required. See MPEP § 608.01(b).

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The phrase "Improvements in or relating to" does not adequately set forth the particular aspect of "Control and/or Monitoring Systems" to which the application is directed, i.e. the aspect(s) that is/are disclosed in the specification and recited in the claims.

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5. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because of the various informalities identified below, plus the need for a brief description of any drawing submitted by applicant per paragraph 1 above, plus the insertion of reference numerals in the specification which would correspond to those reference numerals present in any drawing submitted by applicant per paragraph 1 above.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

The disclosure is objected to because of the following informalities:

page 1, line 12, it appears that "as" should be --such as--, and it appears that after "token" should be inserted a comma;

page 2, line 1, it appears that "issued with" should be --provided with--, --issued--, or something similar;

page 2, line 5, it appears that "to deny" should simply be --deny--;

page 2, line 7, it appears that "to that" should be --from one--, or something similar;

page 2, line 11, "share in the data" is vague;

page 2, line 16, it appears that "E.g." should be --For example, --;

page 2, line 19, "double up of components and cabling" is vague;

page 2, line 20, it appears that "Thus the" should be --Thus it is the--;

page 2, last line, "the use of choices" is vague;

page 3, the heading "Description of the Preferred Embodiment(s)" should be inserted in the appropriate place, per 37 CFR 1.77(b);

page 3, line 3, the period after "means" should be a comma;

page 4, line 1, it appears that "into" should be --by means of--;

page 4, line 8, it appears that one or more words (e.g. "it may") should be inserted before "use";

page 4, line 9, it appears that "Further" should be --In further--;

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page 4, line 10, it appears that "should now" should be --will--;

page 4, line 18, it appears that "evidence on" should be --evidence of--;

page 5, line 5, it appears that after "system" should be inserted --in which--;

page 5, line 11, it is unclear what is meant by "the company" (i.e., no particular "company" is previously mentioned in the specification);

page 5, line 12, "operations and disability situations" is vague;

page 5, line 16, it appears that "with" should be --for--;

page 6, line 1, "generate an event" is vague;

page 6, line 3, it appears that "and" should be deleted;

page 6, line 4, it appears that " talking to" should be --talking into--;

page 6, line 14, it appears that "needed" should be --need--

page 6, line 20, it appears that "camera" should be --a camera--;

page 6, line 21, it appears that after "embodiment" should be inserted --of the--;

page 7, line 4, it is unclear what is meant by "dropouts";

page 7, line 10, "a electronic" should be --an electronic--.

Appropriate correction is required.

6. Claim 3 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 1 of claim 3, "where in" should be one word.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, lines 2-3, the phrase "the access control device characterised in that the access control device also includes" is fully implied by the other language of the claim; it appears that this phrase should be replaced by --also including--, or simply --and--.

In claims 9-10, "control/monitoring system" is indefinite as to whether such a system may be either a control or a monitoring system, or must be both a control and a monitoring system.

9. Claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

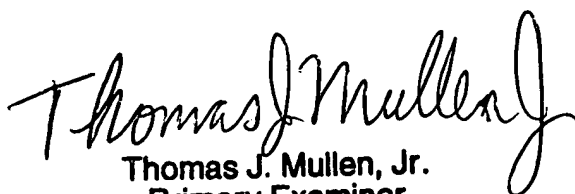
Daigneault et al (see Fig. 2 and col. 5, lines 59-64), Lee (see Fig. 1 and col. 7, lines 28-34) and Cooper (see Fig. 1, the Abstract and col. 5, lines 55-58) are cited to show the state of the art. The Japanese publications cited in the corresponding PCT application (NZ00/00010) are noted; however, the examiner was unable to locate a copy of these publications at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 703-305-4382. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9313.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
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